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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,643	07/24/2000	Hermann Link	5509	7739

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08/15/2005

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,643

Applicant(s)

LINK ET AL.

Examiner

Brandon J. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16, 18-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 18-21 and 23-25 is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response

Allowable Subject Matter

Claims 16, 18-21, and 23-25 contain allowable subject matter.

The following is an examiner's statement of reasons for allowable subject matter:

Regarding claim 16 the combination of Takayama in view of Baker and Kishigami does not teach or fairly suggest providing a selection signal indicative of a selected control signal, wherein a first control signal is indicative of the amount of gain applied by first automatic gain control circuitry of the first radio receiver to create a first data signal, and the second control signal is indicative of the amount of gain applied by second automatic gain control circuitry of the second radio receiver to create the second data signal. Regarding claim 20 the combination of Takayama in view of Baker does not teach or fairly suggest a uniquely associated receiver output signal and a uniquely associated receiver control signal indicative of the amount of gain applied by an associated radio receiver to create a uniquely associated receiver output signal and selecting a receiver based upon an output signal indicative of automatic gain correction applied. The allowable subject matter of claims 18-19, 21, and 23-25 are based upon their dependence of independent claims 16 and 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clappier in view of Dent.

Regarding claim 10 Clappier teaches a method for selecting one of several receivers (see col. 1, lines 42-47). Clappier teaches comparing the levels of control signals of the automatic gain control of the receivers (see col. 1, lines 42-47 and col. 4, lines 61-65). Clappier does not specifically teach a diversity receiving system, comprising selecting the receiver whose control signal has the lowest level. Dent teaches a diversity receiving system (see abstract and col. 2, lines 22-25). Dent teaches detecting the levels of control signals of a gain control of receivers and selecting a receiver whose control signal has the lowest level (see col. 3, lines 45-59 and col. 4, lines 27-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a diversity receiving system, comprising selecting the receiver whose control signal has the lowest level because signal quality can be determined using a number of criteria and this would allow for selection of a receiver with the highest quality signal.

Regarding claim 11 Dent teaches a switchover to another receiver that occurs only if the level of its control signal lies below the level of the other control signal by a specifiable minimum (see col. 4, lines 26-33).

Regarding claim 12 Dent teaches a mobile diversity receiving system (see abstract and col. 2, lines 60-65).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clappier in view of Dent, and Kishigami.

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Regarding claim 13 Clappier and Dent teach a device as recited in claim 12 except for at least one of the receivers is a video receiver. Kishigami teaches a video receiver (see col. 1, lines 22-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include at least one of the receivers is a video receiver because this would allow for improved reception of signals in a variety of communication environments.

Regarding claim 14 Clappier, Dent, and Kishigami teach a device as recited in claim 13 except for switchover from the selection of a first of the receivers to a second of the receivers occurs in response to selection of the receiver whose control signal has the lowest level and the switchover is performed between transmission of data blocks. Dent does teach switchover from the selection of a first of the receivers to a second of the receivers occurs in response to selection of the receiver whose control signal has the lowest level (see col. 4, lines 26-33). Kishigami does teach transmission of data blocks (see col. 9, lines 45-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a switchover from the selection of a first of the receivers to a second of the receivers occurs in response to selection of the receiver whose control signal has the lowest level and the switchover is performed between transmission of data blocks because this would allow for improved reception of signals in mobile devices.

Regarding claim 15 Kishigami teaches line synchronization (see col. 2, lines 7-12).

Response to Arguments

Applicant's arguments with respect to claims 10-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee U.S Patent No. 5,818,543 discloses a diversity receiver for television.

Schradi U.S Patent No. 6,262,766 B1 discloses a method for assessing the quality of a television image.

Ooyagi et al. U.S. Patent No. 5,303,396 discloses a diversity reception having a plurality of antennas for use with moving vehicles.

Suenaga et al. U.S. Patent No. 5,745,845 discloses a receiver with automatic receiving-station switching function.

Shimizu U.S. Patent No. 4,578,819 discloses a space diversity receiver.

Kato et al. U.S. Patent No. 5,859,875 discloses a transmitter, receiver, communication system, and communication method employing spread spectrum communication technique.

Hirayama et al. U.S. Patent No. 5,263,180 discloses a space diversity reception system.

Iwasaki U.S. Patent No. 5,513,222 discloses a combining circuit for a diversity receiving system.

Jager U.S. Patent No. 6,067,449 discloses an antenna selection control circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "B. J. ...".

August 9, 2005

A handwritten signature in black ink, appearing to read "W. Trost".

**WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**